

CAUSE NO. 4:18-CV-247-ALM

JASON LEE VAN DYKE
PLAINTIFF

VS.

THOAS CHRISTOPHER RETZLAFF, A/K/A
DEAN ANDERSON, DBA BV FILES, ET AL
DEFENDANT

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IN THE US District Court, Eastern District of
Texas

DECLARATION OF Michael Forrest OF DUE DILIGENCE

ON Tuesday, June 2, 2020 AT 10:43 AM

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION, EXHIBIT A, RETZLAFF'S NOTICE OF ISSUANCE OF SUBPOENA AND NOTICE OF DEPOSITION DUCES TECUM OF JAMES MCGIBNEY, EXHIBIT A, WITNESS FEE CHECK for service on JAMES MCGIBNEY came to hand.

On Tuesday, June 2, 2020 at 7:00 PM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, No answer at the front door, outside lights on , I could see a large dog through the glass adjacent to the door, dog was barking loudly. I went to the neighbor at 4303 and 4307, they were either not at home or would not answer the door.

On Wednesday, June 3, 2020 at 8:15 PM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, No answer at the front door, no lights, no sound. All the shades were down and there were no vehicles parked in the driveway.

On Thursday, June 4, 2020 at 2:05 PM, at 1033 MEISTER LN, PFLUGERVILLE, TX 78660, I contacted the receptionist at Rosendin Electric Co in Pflugerville, she told me that Mr. McGibney was not in, that he hadn't been there all day.

On Thursday, June 4, 2020 at 7:15 PM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, No answer at the front door, no lights, no sound. All the shades were down and there were no vehicles parked in the driveway. I contacted the neighbor at 4307 Ridgebend who said she did not know who lived next door.

On Friday, June 5, 2020 at 10:00 AM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, Cancelled at the customer's request.

My name is Michael Forrest. I am over the age of eighteen and am not a party to this case. I declare under penalty of perjury that the foregoing is true and correct.

/S/ Michael Forrest

Michael Forrest
Process Server
427 S. Lynnwood Trail
CEDAR PARK, TX 78613

7867.002

Doc ID: 273616_1

TAB 2

CAUSE NO. 4:18-CV-247-ALM

JASON LEE VAN DYKE
PLAINTIFF

VS.

THOAS CHRISTOPHER RETZLAFF, A/K/A
DEAN ANDERSON, DBA BV FILES, ET AL
DEFENDANT

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IN THE US District Court, Eastern District of
Texas

DECLARATION OF Emmanuel Morales OF DUE DILIGENCE

ON Monday, June 8, 2020 AT 2:18 PM

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION, EXHIBIT A, RETZLAFF'S NOTICE OF ISSUANCE OF SUBPOENA AND NOTICE OF DEPOSITION DUCES TECUM OF JAMES MCGIBNEY, WITNESS FEE CHECK for service on JAMES MCGIBNEY came to hand.

On Tuesday, June 9, 2020 at 6:33 AM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, Attempted service at 4305 Ridgebend Drive, Round Rock, TX 78665, no vehicle in driveway. On site

On Tuesday, June 9, 2020 at 7:37 AM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, Attempted service at 4305 Ridgebend Drive, Round Rock, TX 78665, knocked on door rang doorbell no answer. video cameras on porch. waited five minutes not again no response.

On Tuesday, June 9, 2020 at 8:00 PM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, no answer, rang doorbell knock on door. no response.

On Wednesday, June 10, 2020 at 4:58 PM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, Attempted service at 4305 Ridgebend Drive, Round Rock, TX 78665, on site, no vehicles in driveway. Waiting

On Wednesday, June 10, 2020 at 5:48 PM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, no vehicles in driveway. No response with dog barking inside the home. I left my calling card on the door. There are video cameras on the porch

My name is Emmanuel Morales. I am over the age of eighteen and am not a party to this case. I declare under penalty of perjury that the foregoing is true and correct.

/S/ Emmanuel Morales

Emmanuel Morales
Process Server
604 WEST 9TH STREET SUITE B
AUSTIN, TX 78701

7867.002

Doc ID: 273800_1

CAUSE NO. 4:18-CV-247-ALM

JASON LEE VAN DYKE,
PLAINTIFF

VS.

THOAS CHRISTOPHER RETZLAFF, A/K/A
DEAN ANDERSON, DBA BV FILES, ET AL,
DEFENDANT

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IN THE US DISTRICT COURT, EASTERN
DISTRICT OF TEXAS

_____ COUNTY, FD

DECLARATION OF Dane R Cuppett OF DUE DILIGENCE

On Monday, June 8, 2020 at 02:19 PM

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION, EXHIBIT A, RETZLAFF'S NOTICE OF ISSUANCE OF SUBPOENA AND NOTICE OF DEPOSITION DUCES TECUM OF JAMES MCGIBNEY, WITNESS FEE CHECK for service on JAMES MCGIBNEY came to hand.

On Tuesday, June 9, 2020 at 06:57 AM, at 1033 MEISTER LN, PFLUGERVILLE, TRAVIS COUNTY, TX 78660 Arrived at 1033 Meister Lane, Pflugerville, TX 78660. Located a new suburban and three new Silverados in the parking lot but none have plates that match those provided. Waiting..

On Tuesday, June 9, 2020 at 07:11 AM, at 1033 MEISTER LN, PFLUGERVILLE, TRAVIS COUNTY, TX 78660 New Black Tahoe larked right in front with tx plates LNK0262 comes back registered for Rosendin Electric, Inc. There are cameras all over this place. About ever 30 feet along the side of the building and at each entrance there is a camera.

On Tuesday, June 9, 2020 at 08:23 AM, at 1033 MEISTER LN, PFLUGERVILLE, TRAVIS COUNTY, TX 78660 Attempted service at 1033 Meister Lane, Pflugerville, TX 78660, no sign of either vehicle described. Went to lobby, door is key card access only and sign says closed to visitors. The lady from behind the desk came and opened the door a few inches to speak to me. She said he is in a meeting and not accepting any visitors today. I asked if there was a better time I could come tomorrow and she said she doesn't know his schedule. I left my card with her. 6/9/2020 5:16 pm Called (408)601-0685 - this is a google voice phone where you have to state your name. I did so and it rang several times and went to voice mail. I left a message requesting a call back. 6/9/2020 5:22 pm Called 512-796-1645 and it was pushed to voice mail in the middle of the second ring. Left a message. Also sent a text message requesting a call back. 6/9/2020 5:22 pm I sent him an email to james@bullyville.com requesting a call. 6/9/2020 5:22 pm I sent him an email to legal@viaview.com requesting a call.

On Wednesday, June 10, 2020 at 11:13 AM, at 1033 MEISTER LN, PFLUGERVILLE, TRAVIS COUNTY, TX 78660 Called him on 512-796-1645, went to generic voicemail. left another message. Called 408-601-0685, no response. Left message. 6/10 at 11:16 am: I called (512)272-8841 (the number Julie provided for John Colley, Mr. McGibney's boss). This is the main number for Rosendin. Per the receptionist, Mr. Colley is not in the office. She transferred me to his voice mail and I left a detailed voice mail explaining that we have a federal subpoena we need to deliver to one of his employees, Mr. James McGibney and that Mr. McGibney was not making himself available. I asked for a call back to help coordinate a good time for us to bring Mr. McGibney his federal subpoena. 6/10 at 11:20 am: I emailed jcolley@rosendin.com (the email Julie provided for John Colley, Mr. McGibney's employer) explaining that I had a federal subpoena I needed to drop off with one of his employees, Mr. McGibney. I asked for a call or email back to help arrange a good time for us to do so, or for any assistance he could provide to help us get in touch with Mr. McGibney.

Client Reference#: 7867.002

DocID: 273800-002

CAUSE NO. 4:18-CV-247-ALM

JASON LEE VAN DYKE,
PLAINTIFF

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IN THE US DISTRICT COURT, EASTERN
DISTRICT OF TEXAS

VS.

THOAS CHRISTOPHER RETZLAFF, A/K/A
DEAN ANDERSON, DBA BV FILES, ET AL,
DEFENDANT

_____ COUNTY, FD

On Wednesday, June 10, 2020 at 04:22 PM, at 1033 MEISTER LN, PFLUGERVILLE, TRAVIS COUNTY, TX 78660 Attempted service, no sign of either known vehicle of Mr. McGibney.

On Friday, June 12, 2020 at 10:27 AM, at 1033 MEISTER LN, PFLUGERVILLE, TRAVIS COUNTY, TX 78660 To date, I have received no response to any of my attempted communications with Mr. McGibney.

My name is Dane R Cuppett. My address is 604 WEST 9TH STREET SUITE B; AUSTIN, TX 78701. I am a private process server authorized by and through the Texas Judicial Branch Certification Commission (PSC 07114, expires Sunday, October 31, 2021). My e-mail address is info@easy-serve.com. My date of birth is October 9, 1984. I am in all ways competent to make this declaration, which is based on personal knowledge. I am not a party to this case, and have no interest in its outcome. I declare under penalty of perjury that the foregoing is true and correct. This declaration is made in conformity with Texas Civil Practice and Remedies Code § 132.001.

Executed in TRAVIS County, Texas on Friday, June 12, 2020

/S/ DANE R CUPPETT

CAUSE NO. 4:18-CV-247-ALM

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THOAS CHRISTOPHER RETZLAFF, A/K/A
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DEFENDANT

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IN THE US District Court, Eastern District of
Texas

DECLARATION OF Emmanuel Morales OF DUE DILIGENCE

ON Tuesday, June 16, 2020 AT 3:27 PM

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION, EXHIBIT A, RETZLAFF'S NOTICE OF ISSUANCE OF SUBPOENA AND NOTICE OF DEPOSITION DUCES TECUM OF JAMES MCGIBNEY, WITNESS FEE CHECK for service on JAMES MCGIBNEY came to hand.

On Tuesday, June 16, 2020 at 6:50 PM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, no vehicles in the driveway. Knocked on the door but no answer. There is a dog barking inside the home and video cameras on the porch. Left a calling card to contact me ASAP.

On Friday, June 19, 2020 at 10:03 AM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, no vehicles in the driveway and no answer at the door. There are video cameras on the porch. The trash cans are out at the curb. Left my calling card to contact me ASAP

On Friday, June 19, 2020 at 8:54 PM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, no vehicles in driveway calling card still taped to front door. no lights on in the home. Trash can still on the easement. Received on calls at this time.

On Saturday, June 20, 2020 at 9:58 AM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, no vehicles in driveway calling card still taped to front door. No answer. USPS drop off package on porch. Receive no calls at this time

On Saturday, June 20, 2020 at 8:23 PM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, calling cards still taped to front door. video cameras on porch. Dog barking inside home no response. spoke with neighbor said defendant was home last night around 8:30 p.m. was in the backyard. definitely avoiding service.

On Monday, June 22, 2020 at 10:00 AM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, no change, no vehicles in driveway calling card still taped to front door. again no answer.

My name is Emmanuel Morales. I am over the age of eighteen and am not a party to this case. I declare under penalty of perjury that the foregoing is true and correct.

/S/ Emmanuel Morales

Emmanuel Morales
Process Server
604 WEST 9TH STREET SUITE B
AUSTIN, TX 78701

7867.002

Doc ID: 273800_3

CAUSE NO. 4:18-CV-247-ALM

JASON LEE VAN DYKE
PLAINTIFF

VS.

THOAS CHRISTOPHER RETZLAFF, A/K/A
DEAN ANDERSON, DBA BV FILES, ET AL
DEFENDANT

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IN THE US District Court, Eastern District of
Texas

DECLARATION OF Michael Forrest OF DUE DILIGENCE

ON Friday, June 19, 2020 AT 4:32 PM

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION, EXHIBIT A, RETZLAFF'S NOTICE OF ISSUANCE OF SUBPOENA AND NOTICE OF DEPOSITION DUCES TECUM OF JAMES MCGIBNEY, WITNESS FEE CHECK for service on JAMES MCGIBNEY came to hand.

On Friday, June 19, 2020 at 6:45 PM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, No answer at the front door, no lights, no sound could be heard. There were no vehicles in the driveway. All the shades we're down on the front side of the house. There were garbage cans at the curb which appeared to belong to 4305 Ridgebend Dr. There weren't other cans out on the street.

On Friday, June 19, 2020 at 9:15 PM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, No answer at the front door, no lights, no sound could be heard. Shade was still down on the front side of the residence.

On Saturday, June 20, 2020 at 9:00 AM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, No answer at the front door, no lights, no sound could be heard. Shades were down on the front side of the house. No vehicles in the driveway. The garbage cans that we're on the street were gone.

On Saturday, June 20, 2020 at 10:00 AM, at 1033 MEISTER LN, PFLUGERVILLE, TX 78660, I went to the above address, which is Mr. McGibney's employer, Rosindin Electric, they were closed.

On Saturday, June 20, 2020 at 7:15 PM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, No answer at the front door, no lights could be seen, all the shades on the front side of the house were down. There were no vehicles parked in the driveway.

On Monday, June 22, 2020 at 8:00 PM, at 4305 RIDGEBEND DR, ROUND ROCK, TX 78665, Still no change at residence. No answer at the front door. No lights observed.

My name is Michael Forrest. I am over the age of eighteen and am not a party to this case. I declare under penalty of perjury that the foregoing is true and correct.

/S/ Michael Forrest

Michael Forrest
Process Server
427 S. Lynnwood Trail
CEDAR PARK, TX 78613

7867.002

Doc ID: 273800_5